

LEGISLATIVE BILL 229

Approved by the Governor February 8, 1982

Introduced by Telecommunications Committee, Clark, 47,
Chpn.; Wagner, 41; Pirsch, 10; Sieck, 24;
Burrows, 30; Chronister, 18; Wesely, 26;
Goodrich, 20

AN ACT to amend section 75-613, Reissue Revised Statutes of Nebraska, 1943, relating to the Public Service Commission; to restrict a finding of inadequate exchange telephone service as prescribed; and to repeal the original section.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 75-613, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

75-613. Upon the completion of the hearing on such an application, if a hearing is required, the Public Service Commission may grant the application, in whole or in part, if the evidence establishes all of the following:

(1) That such applicant or applicants are not receiving, and will not within a reasonable time receive, reasonably adequate exchange telephone service from the company furnishing such service in the exchange service area in which the applicant or applicants reside or operate. The fact that an applicant is required to pay toll charges for long distance telephone calls to an exchange service area adjacent to the territory in which the applicant resides or operates shall not be deemed to constitute inadequate exchange telephone service from the company furnishing such service;

(2) The revision of the exchange service area or areas required to grant the application will not create a duplication of facilities, is economically sound and will not impair the capability of the telephone company or companies affected to serve the remaining subscribers in any affected exchanges;

(3) The community of interest in the general territory is such that the public offering of each telephone company in its own exchange service area

involved should include all the territory in its service area as revised by the commission's order; and

(4) The applicant or applicants are willing and will be required to pay such construction and other costs and rates as are fair and equitable and will reimburse the affected company for any necessary loss of investment in existing property as determined by the Public Service Commission.

Sec. 2. That original section 75-613, Reissue Revised Statutes of Nebraska, 1943, is repealed.